

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

RICHARD LEE BROWN

Plaintiff

v.

ALEX AZAR,

IN HIS OFFICIAL CAPACITY AS
SECRETARY U.S. DEPARTMENT
OF HEALTH AND HUMAN
SERVICES

and

U.S. DEPARTMENT OF HEALTH
AND HUMAN SERVICES

and

NINA B. WITKOFSKY,

IN HER OFFICIAL CAPACITY AS
ACTING CHIEF OF STAFF U.S.
CENTERS FOR DISEASE

Defendants

CIVIL ACTION NO.

20-cv-03702-JPB

**MOTION FOR LEAVE TO FILE BRIEF OF *AMICI CURIAE* OF THE
AMERICAN ACADEMY OF PEDIATRICS; AMERICAN MEDICAL
ASSOCIATION; CHILDREN’S HEALTHWATCH; THE GEORGE
CONSORTIUM; GEORGIA CHAPTER, AMERICAN ACADEMY OF
PEDITRICS; GLMA: HEALTH PROFESSIONALS ADVANCING LGBTQ
EQUALITY; NATIONAL HISPANIC MEDICAL ASSOCIATION;
NATIONAL MEDICAL ASSOCIATION; NORTH CAROLINA
PEDIATRIC SOCIETY, STATE CHAPTER OF THE AMERICAN
ACADEMY OF PEDIATRICS; PUBLIC HEALTH LAW WATCH; SOUTH
CAROLINA CHAPTER, AMERICAN ACADEMY OF PEDIATRICS;
SOUTHERN POVERTY LAW CENTER; VIRGINIA CHAPTER,
AMERICAN ACADEMY OF PEDIATRICS; EMILY A. BENFER;
MATTHEW DESMOND; GREGG GONSALVES; DANYA A. KEENE;
KATHRYN M. LEIFHEIT; MICHAEL Z. LEVY; SABRIYA A. LINTON;**

**CRAIG E. POLLACK; JULIA RAIFMAN; GABRIEL L. SCHWARTZ; and
DAVID VLAHOV IN SUPPORT OF THE DEFENDANTS.**

Amici Curiae respectfully move for leave to file an amicus brief in support of Defendants. All parties to this litigation have consented to the filing of this *amicus* brief. No party's counsel authored any part of the brief, nor have any party or their counsel contributed money intended to fund the preparation or submission of the brief. No person other than *Amici*, their members, and their counsel contributed any money intended to fund the preparation or submission of the brief. As grounds for this filing, *Amici* state as follows:

1. The twenty-four *amici* include: national associations and organizations that represent physicians, pediatricians, and medical professionals and strive to advance the health of children, adolescents, adults, and disadvantaged and minority populations; and individual *amici* who are sociologists, epidemiologists, and public health, law, nursing, and medical school faculty. They are the nation's foremost authorities on eviction, housing, and health.
2. *Amici* have a strong interest in participating in this case because, based on their extensive research and work in this area, all *amici* recognize that housing is critical to protecting public health and ensuring health equity during the COVID-19 pandemic. The Centers for Disease Control and Prevention order at the center of this case is supported by their research and directly affects the health of populations *amici* serve.

3. Further, *Amici* offer the Court a broader perspective on the public health and sociological impact that invalidating or preliminarily enjoining the CDC Order would have on vulnerable low-income families, especially Black, Latinx, and Indigenous families.

4. *Amici* have received the consent of all parties to file this brief.

Accordingly, *amici* respectfully request that this Court grant leave to file the accompanying *amici curiae* brief for consideration.

Dated: October 9, 2020

Respectfully submitted,

/s/ Wingo F. Smith

Wingo F. Smith,

Georgia Bar No. 147896

wingo.smith@splcenter.org

SOUTHERN POVERTY LAW CENTER
150 E. Ponce de Leon Ave.
Suite 340
Decatur, GA 30030
(404) 783-1777

CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2020, I electronically filed the above document with the Clerk of Court using CM/ECF which will send electronic notification of such filing to all registered counsel.

/s/ Wingo F. Smith

Wingo F. Smith

Georgia Bar No. 147896

wingo.smith@splcenter.org

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CERTIFICATE OF COMPLIANCE WITH LR 5.1

I hereby certify that the foregoing document is written in 14 point Times New Roman font in accordance with Local Rule 5.1.

/s/ Wingo F. Smith

Wingo F. Smith

Georgia Bar No. 147896

wingo.smith@splcenter.org

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